



U.S. Department of Justice

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December 1, 2006

Honorable Joseph J. Farnan, Jr.  
United States District Court  
J. Caleb Boggs Federal Building  
844 King Street  
Wilmington, Delaware 19801

Re: **United States v. Francisco Barrera-Lopez, Salvador Martinez-Torres, and Jose Luis Becerra-Yepez**  
**Criminal Action No. 06-31-JJF**

Dear Judge Farnan:

This letter is submitted as a status report.

The major count of the Indictment is conspiracy to distribute 5 kilograms of cocaine, punishable by a mandatory minimum sentence of 10 years incarceration. All 3 codefendants were made a plea offer to simple conspiracy to distribute, which carries no mandatory minimum sentence.

Defendant Bezerra-Yepez, represented by Joseph Benson, Esq., has pled guilty and is pending sentencing.

Defendant Barrera-Lopez twice has been scheduled to enter a guilty plea and both times changed his mind shortly before the hearing. On November 30, 2006, his counsel, Jose Ongay, Esq., left me a voice message, explaining that his client did not want to be the first of the 3 codefendants to enter a guilty plea, but will enter a guilty plea now that Becerra-Yepez has pled guilty.

Defendant Francisco Barrera-Lopez, represented by Christopher Koyste, Esq., rejects the plea offer and has an outstanding motion for a Starks hearing concerning his pre-arrest, recorded conversations with an undercover police officer and an informant, and a motion to suppress the defendant's post-arrest confession. No motion has been filed to suppress the 5 kilograms of cocaine seized from the presence of the defendant at the time of his arrest, but the defendant's motion requested leave to file additional motions.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

By: /s/ Edmond Falgowski  
Edmond Falgowski  
Assistant United States Attorney

pc: Jose Ongay, Esquire (via Telefax)  
Joseph Benson, Esq  
Christopher Koyste, Esq.

EF:slb  
Enclosure